

**From:** "Carl Johnston" <CJOHNSTO@osmre.gov>  
**To:** <DARONHADDOCK@utah.gov>  
**Date:** 10/6/03 8:23AM  
**Subject:** Mine Plan Determination - Skyline

Attached is OSM's preliminary decision regarding the need for a Mine Plan Determination for the above subject. A signed copy will be sent to you in today's mail.

In accordance with the Federal regulations under 30 CFR 740.13(d), other Federal agencies that may have an interest in, or jurisdiction over, the above subject operation have also been notified of OSM's decision electronically.

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UT-0003

October 6, 2003

Utah Division of Oil, Gas, & Mining  
Coal Regulatory Program  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

RE: Canyon Fuel Company, LLC - "Skyline" Mine - Use of Waste Rock during Reclamation of the South Portals

Dear Sir or Madam:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) September 5, 2003, request for a decision, under 30 CFR 947.30, whether the above subject permit revision constitutes a mining plan modification.

Mining plan approvals by the Secretary of the Interior are required under the Mineral Leasing Act of 1920, 30 U.S.C. 181, *et seq.* before coal mining can occur on Federal lands. This letter serves to document OSM's determination whether or not a mining plan approval from the Secretary is required for the above permitting action.

OSM's review of the Use of Waste Rock during the Reclamation of the South Portals revision has determined that it proposed to use approximately 1,000 to 1,300 cubic yards of waste rock material to seal and reclaim the South Fork Portals for Mine # 1 at the Skyline mine, Utah State permit C/007/005.

Based on a review of the activities associated with the permit revision, OSM has determined that the proposal does not meet the requirements of 30 CFR 746.11(a) and 746.18(d). Therefore, the proposed permit revision does not constitute a mining plan action requiring Secretarial approval.

OSM's decision was based solely upon the Federal regulations under 30 CFR PART 746 and not the technical aspects of the revision application itself. OSM also notes that Drawing 4.6.5-1, "South Fork Reclamation Cross-Sections" were not included as a part of UT-DOGM's September 5, 2003 request. Consequently, OSM's decision does not relieve UT-DOGM from coordinating the review and approval of the Use of Waste Rock during Reclamation of the South Portals revision with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the September 8, 2003 request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

In an electronic transmittal dated September 16, 2003, the U.S. Forest service stated that it had no jurisdiction over or comments on the application.

The Bureau of Land Management did not provide any comments in the thirty day time frame established by the Federal regulations under 30 CFR 944.30, Article VI. D.

Please notify the applicant of our decision on this matter.

Should you have any questions regarding this letter or approval, please contact Carl R. Johnston, Utah Federal Lands coordinator, at (303) 844-1400, extension 1500.

Sincerely,

Ranvir Singh  
Manager, Northwest Branch

cc: Denver Field Division